



**BILLING CODE 4410-02**

**NATIONAL CRIME PREVENTION AND PRIVACY COMPACT**

**COUNCIL**

**Fingerprint Submission Requirements**

**AGENCY:** National Crime Prevention and Privacy Compact Council.

**ACTION:** Notice of approval of a U.S. Department of the Interior, Bureau of Indian Affairs proposal requesting access to the Interstate Identification Index with delayed fingerprint submission.

**Authority:** 42 U.S.C. 14616.

**SUMMARY:** The National Crime Prevention and Privacy Compact Council (Compact Council) approves a Bureau of Indian Affairs (BIA) proposal requesting access to the Interstate Identification Index (III) System on a delayed fingerprint submission basis.

**FOR FURTHER INFORMATION CONTACT:** Gary S. Barron, FBI CJIS Division, 1000 Custer Hollow Road, Module D3, Clarksburg, WV 26306; Telephone (304) 625-2803; e-mail [gary.barron@ic.fbi.gov](mailto:gary.barron@ic.fbi.gov); Fax number (304) 625-2868.

**SUPPLEMENTARY INFORMATION:**

Title 28, Code of Federal Regulations (CFR), part 901, specifically § 901.3, gives authority to the Compact Council, established by the National Crime Prevention and

Privacy Compact Act of 1998 (Compact), to approve proposals for delayed submission of fingerprints supporting requests for III records. The proposals must fully describe the emergency nature of the situation, the risk to the health and safety of those involved, and the reasons why contemporaneous fingerprint submission with the search request is not feasible. The BIA proposal makes such an request when conducting criminal history record checks on behalf of federally-recognized tribes, in connection with the placement of children with temporary custodians on an emergency basis. (See BIA's proposal, attached.)

Federally-recognized tribes that receive funds under the Indian Self-Determination and Education Assistance Act (25, United States Code [U.S.C.], 450, et. seq) or the Tribally Controlled Schools Act (25 U.S.C. 2501, et. seq) are authorized access to criminal history record information pursuant to Public Law 101-630 (25 U.S.C. 3205 and 3207).

The BIA's proposal was submitted by letter dated February 11, 2015, and approved by the Compact Council on May 13, 2015, pursuant to 28 CFR 901.2 and 901.3. Access to the III System to conduct name-based criminal history record checks, followed by fingerprint submissions, provides a

responsive and timely avenue to determine whether an applicant presents a risk to children during exigent circumstances when time is of the essence. Such name-based checks will be followed by submission of the applicant's fingerprints to the FBI within 15 calendar days..

Dated: **December 10, 2015.**

**Dawn A. Peck,**

**Compact Council Chairman**



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

IN REPLY REFER TO:

February 11, 2015

Mrs. Dawn A. Peck  
Compact Council Chairman  
Manager  
Idaho State Police  
Suite 120  
700 South Stratford Drive  
Meridian, ID 83642-6251

Dear Chairman Peck,

The Bureau of Indian Affairs (BIA) on behalf of federally-recognized tribes requests approval under the Fingerprint Submission Requirements Rule (Title 28, Code of Federal Regulations, Sections 901.2 and 901.3), to access the Interstate Identification Index (III) System on a delayed fingerprint submission basis when conducting criminal history record checks of residents with whom children are to be temporarily placed during exigent circumstances. Federally-recognized tribes that receive funds under the Indian Self-Determination and Education Assistance Act (Title 25, United States Code (U.S.C.), § 450, et. seq) or the Tribally Controlled Schools Act (25 U.S.C. § 2501, et. seq) are authorized to access criminal history record information pursuant to Public Law (Pub. L.) 101-630 (25 U.S.C. §§ 3205 and 3207).

In the absence of state laws and procedures governing such background checks, the BIA will facilitate, on behalf of the federally-recognized tribes, access to the III system for the emergency placement of children. To carry out the requirements of the Council's rule, the BIA proposes the following conditions:

- Each resident in a home where the potential emergency placement is to be made must consent to a preliminary III name-based check to be followed with the submission of fingerprints to the FBI within 15 calendar days from the date that the name-base check was conducted.
- Should any resident on whom a name-based check was conducted fail to provide fingerprints when requested, the child will not be placed or will be immediately removed from the placement home. Alternatively, the child may be placed if the resident refusing to provide fingerprints agrees to leave the home during the child's stay.
- If an emergency placement is denied as a result of the name-based check of a resident and the resident contests the denial, the resident may within 15 calendar days of the denial submit fingerprints for a federal background check.

Similar to the Florida proposal, in which states have been approved to utilize Purpose Code X for the exigent placement of children pursuant to an approved Pub. L. 92-544 statute, the BIA

proposes to utilize the above-referenced federal statutory authority to conduct preliminary name-based checks of the III System to determine whether an applicant presents a risk to children during exigent circumstances when time is of the essence.

The BIA will work with the FBI CJIS Division to address system connectivity, audit requirements, and the fingerprint submission process.

Sincerely,



Darren Cruzan  
Director, BIA, Office of Justices Services

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